

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION

In Re:

Wendy Jane Rickles
Debtor

Chapter 13
Case No. 17-41246

DEBTOR'S EMERGENCY MOTION TO VACATE RELIEF FROM
STAY

1. Wells Fargo Bank, N.A. , holder of a first mortgage on Debtor's residence at 32 Aylesbury Rd., Worcester, MA was granted Relief From the Automatic Stay by the Court on October 25, 2018.
2. At the hearing, counsel for Wells Fargo and counsel for Debtor agreed to the granting of relief, in anticipation of working out an arrangement whereby the Debtor would make a payment which would put her within 6 months of being current on her post petition payments. Thereafter, she would make her current monthly payments plus one sixth of the balance due post petition.
3. The result of the agreement would have the Debtor current on her post petition payments within six months.
4. From and after that date, Debtor waited on Wells Fargo to provide figures to make the payments, and to have the parties enter into a Stipulation re same.
5. Despite attempts by Debtor to obtain the amount and obtain an agreement, nothing was forthcoming until Debtor became aware of the publication of a notice of foreclosure sale published on February 8, 2019.
6. The sale date is February 28, 2019 at 12:00 noon.
7. Debtor is still willing to enter into an agreement and has requested a continuance of the sale to do so.
8. Wells Fargo has not responded positively to the request for a continuance.

9. Wherefore, Debtor respectfully requests that the Court revoke the Order of Relief or stay the foreclosure sale for a reasonable period to allow the agreement to be reached, and prevent the sale of the home.

February 26, 2019

Wendy Jane Rickles
By her attorney

/s/ Daniel I. Cotton
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CERTIFICATE OF SERVICE

I certify that I have sent a copy of the above Motion to Attorney Michael Swain of Orlans Moran, counsel for Wells Fargo, the Chapter 13 Trustee and U.S. Trustee by the Court's ECF system.

February 26, 2019

/s/Daniel I. Cotton